XI-H—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

M.A.(C.) NO. 249 OF 2007

APPELLANT CLAIMANT Suraj Dewangan, s/o Shri Govind Prasad Dewangan, aged about 57 years, r/o Arya Nagar 216, Durg, Tahsil and Distt. Durg (C.G.)

Versus

RESPONDENTS

1. Anil Kumar Sahu, son of Shri Anand Ram Sahu, aged about 35 years Driver
2. Anand Ram Sahu, s/o Shri Punou Ram Sahu, aged about 60 years Owner

Both R/o Qr. No. F/32, C.G. Rajya Vidyut Mandal Colony Bhilai-3, Tahsil and District Durg (C.G.)

3. The Branch Manager, New Insurance Company Limited Power House Oppo. Project Automobiles Bhilai, P.S. Chhawni, Tahsil & Distt. Durg (C.G.) Insurer

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SB: HON'BLE SHRI DHIRENDRA MISHRA, J.

2.7.2007

Shri Abhijeet Kesharwani, counsel for the appellant.

Heard on admission.

The appellant-claimant has preferred this misc. appeal against the award dated 31st July, 2006 passed by the Claim Case No. 39/2005 by the learned 11th Addl. Motor Accident Claims

XI-HC—78

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	Tribunal (FTC), Durg whereby a sum of Rs. 30,827/- has been awarded to the appellant towards the injuries sustained by him in motor vehicle accident dated 29-3-2004 involving Jeep No. CG07 ZD 1325 against the claimed amount of Rs. 1,39,000/-. The Tribunal has awarded a sum of Rs. 8,327/- towards medical expenses incurred on treatment on the basis of actual bills submitted by the claimant, Rs. 500/- towards nutritious diet. The claimant had claimed a sum of Rs. 18,000/- for loss of actual income and he could not attend his duties for two months and he was getting salary of Rs. 9000/- per month, however the witness A.W. 2 I.A. Javed, Supervisor has stated that the claimant was paid monthly salary of Rs. 8,000/-. Though a certificate was issued by Apsara Talkies that a sum of Rs. 9,000/- per month was paid to the claimant. Considering the discrepancies in the certificate and oral evidence, the Tribunal assessed the salary of the claimant at Rs. 6,000/- and awarded a sum of Rs. 12,000/- for loss of salary. Further a sum of Rs. 10,000/- for physical and mental pains suffered by him has been awarded and thus a total sum of Rs. 30,827/- has been awarded. From the evidence available on record, this Court is satisfied that there is no illegality or infirmity warranting interference in the impugned award. The appeal is devoid of substance and the same is dismissed at the admission stage itself.	**Sd/-** **Dhirendra Mishra** **Judge**